Thailand

Press freedom in Thailand suffered significantly in the wake of the military coup on May 22, 2014, which ousted the elected government and installed a junta, the National Council for Peace and Order (NCPO). The coup leaders, headed by General Prayuth Chan-ocha, suspended the 2007 constitution and promulgated a temporary constitutional charter on July 22. In August, an appointed legislature selected Prayuth as prime minister. The new regime aggressively enforced existing laws against defamation and lèse-majesté, imposed draconian new military orders to bar criticism of the coup, and shut down media outlets en masse. Many journalists faced intimidation, summonses from authorities, and arbitrary detention throughout the year.

Legal Environment

The declaration of martial law and the suspension of the 2007 constitution in May effectively annulled any legal safeguards for freedom of expression. Among other powers, martial law enabled authorities to detain anyone for up to seven days without charge or evidence. The interim constitution issued in July gave unchecked power to the NCPO. Also that month, the junta issued Orders 97 and 103, which prohibited the media from disseminating information that could cause disorder or that criticized the coup regime. Thanapol Eawsakul, editor of the online magazine *Fah Diew Gan* (*Same Sky*), was arrested on July 5 and spent four days in jail for posting a critical Facebook message. He had already spent seven days in custody in May for participating in a peaceful anticoup demonstration.

Restrictive legislation that had been in place before the coup continued to limit media independence throughout 2014, with enforcement reportedly intensifying after the coup. The adjudication of related cases was affected by the inability of courts to act independently. After the coup, the NCPO ordered that courts must hear and process cases according to its decrees.

Thailand's laws on lèse-majesté have had a particularly chilling effect on freedom of expression. Article 112 of the criminal code assigns penalties of up to 15 years in prison for anyone who "defames, insults, or threatens the King, Queen, the Heir-apparent, or the Regent." Prosecutors have been able to increase sentences beyond this threshold using the 2007 Computer Crimes Act (CCA), which assigns prison terms of up to five years for the online publication of forged or false content that endangers individuals, the public, or national security, as well as for the use of proxy servers to access restricted material. Article 112 complaints can be brought by one citizen against another, and authorities are required to investigate them. Lèse-majesté defendants are almost always denied bail. The independent legal monitor iLaw reported that the number of cases increased in the months after the coup following a slowdown under Prime Minister Yingluck Shinawatra in 2011–13. A total of 23 people were charged under Article 112 between the coup and the end of 2014, according to the group.

In November, Nut Rungwong (penname Somsak Pakdeedech), editor of the online news aggregator Thai E-News, was sentenced to four and a half years in prison on lèse-majesté charges for an article by a political science professor that he published in 2009. Another journalist, editor Somyot Preuksakasemsuk, had been sentenced in 2013 to 11 years in prison for publishing two articles deemed critical of the monarchy in his *Voice of Taksin* newsmagazine in 2010. The law was first used to criminally convict a Thai journalist in 2012, when *Prachatai* webmaster Chiranuch Premchaiporn was given a suspended jail sentence for allowing 20 days to pass before the removal of comments deemed critical of the monarchy from the website's discussion forum. In December, the National Broadcasting and Telecommunications

Commission (NBTC) instructed internet service providers (ISPs) to monitor and shut down all websites carrying lèse-majesté content.

Criminal defamation laws also continue to be used to silence criticism of the regime. In December 2013, the Royal Thai Navy filed criminal defamation and computer crime charges against journalist Alan Morison, an Australian national, and his Thai colleague, Chutima Sidasathien, for writing in the independent online paper *Phuketwan* about a Pulitzer Prize–winning Reuters article that tied navy personnel to human trafficking. The two were charged in April, but their trial was postponed until 2015. Morison's passport was seized, restricting his ability to travel outside Thailand. Separately, a number of regulatory disputes have led to defamation cases in recent years. In September, for example, Channel 3 filed a defamation suit against three NBTC commissioners for alleged malfeasance and CCA violations after they accused the channel of hindering the country's broadcast digitization process. The suit was dropped in early December.

Thailand's legal framework for access to public information includes exceptions for information that might put the monarchy in jeopardy, threaten national security, or impede law enforcement. Historically the law has been poorly understood and unevenly applied. The Office of the Official Information Commission falls under the prime minister's office.

The NBTC, responsible for allocating broadcast licenses and regulating both broadcast and online media, is not independent in practice. After the coup it worked closely with the NCPO to enforce military orders and shut down or block media outlets as deemed necessary by the junta.

Journalists and their professional organizations were subject to increased monitoring by the authorities following the coup, affecting their ability to operate freely. The NCPO actively encouraged civilian informants to report anticoup activity or opinions.

Political Environment

Prior to the coup, the Thai media were highly polarized between royalists opposed to the government of Yingluck, sister of former prime minister Thaksin Shinawatra, and those who supported Thaksin. As the military seized control in May 2014, however, soldiers were sent to media offices and newsrooms to monitor content, ensure the broadcast of junta-supplied material, and force the closure of all cable and satellite television channels as well as thousands of community radio stations. While entertainment television channels were allowed to resume broadcasting shortly afterward, 14 cable and satellite channels remained shuttered. Those targeted were newer, more politicized stations that had recently expanded media diversity beyond the largely compliant mainstream print media and the state- or army-controlled terrestrial broadcast media, which remained operational during martial law. By August, the suspended television stations had been allowed back on air, but they were banned from discussing politics and granted only temporary, one-year licenses.

The radio stations shut down after the coup included over 7,000 community outlets, including many that had operated without licenses and were considered illegal. In order to resume operating, independent stations had to register with the NBTC and undergo examination. Some were later allowed back on the air, but many remained unable to operate at year's end.

Among other restrictive measures taken by the junta, foreign broadcasts were blocked, journalists were barred from interviewing critics of the coup, and ISPs were pressured to suspend service for users who

hampered the work of NCPO officials. According to a July 1 report by the Thai Netizen Network, the junta had blocked at least 1,500 websites by that date. For about an hour in late May, Facebook was completely inaccessible in the country.

Beyond website blocking, the NCPO took a number of steps to increase control over the internet in the future. The Ministry of Information and Communication Technology (MICT) began planning a national internet gateway that would enable more efficient and comprehensive censorship of online content. Working groups were set up to monitor and analyze content, block problematic sites, and combat online crimes, including dissemination of illegal information.

Propagandistic content became more common in the media following the coup. Activist Kritsuda Khunasen, who was arrested in May and held illegally for 29 days, appeared on the military's Channel 5 television station with a junta spokesman on the day of her release, saying she was "happier than words can say." She later fled the country and said she had been badly beaten, asphyxiated with a plastic bag, and forced to make the television appearance. Other forms of propaganda included the song "Bring the Happiness Back," reportedly written by General Prayuth, as well as the television and radio program *Prayuth Talks With the People*. In an ostensible attempt to foster reconciliation, the regime also organized free concerts in many areas, distributed free tickets to nationalist movies, and ordered the World Cup soccer tournament to be shown on free-to-air television.

Self-censorship on topics involving the monarchy remained the norm throughout the year, and many media outlets, including newspapers known for their spirited commentary and analysis of domestic politics, became more subservient after the coup. True Visions, one of the largest cable television providers, stopped carrying 14 international news channels because it was unable to censor content that might violate NCPO orders. In June, *Fah Diew Gan* informed its subscribers that it would indefinitely delay publication due to the climate of fear. In August, *ASTV-Manager Weekly Magazine* published an issue with a black cover and announced that it would temporarily stop publishing in response to the junta's intimidation. A week later the publisher of *Matichon Weekly* decided not to distribute that month's issue, fearing charges of lèse majesté.

Even state-owned media faced interference from the authorities regarding its coverage. In June, the news production and program director of state-run NBT Channel 11 was suspended for presenting news that was deemed unacceptable under NCPO orders. In November, authorities similarly forced the suspension of Thai PBS reporter Nattaya Wawweerakup for an episode of her program that featured interviews with citizens who criticized the junta.

Journalists faced harassment and violence during antigovernment protests led by the People's Democratic Reform Committee (PDRC) in the months leading up to the coup, particularly when they were seen as unsympathetic to the demonstrators' cause. In January, a news agency photographer was reportedly seized by protesters until others came to his assistance. In April, Kamon Duangpasuk (also known as Mainueng Kor Kuntee), a pro-Thaksin poet and contributor to *Matichon Weekly*, was shot and killed in Bangkok. Nick Nostitz, a German freelance photojournalist, was rescued by police in early May 2014 after PDRC security guards assaulted him. Two days later, PDRC leaders and supporters entered five major television stations in Bangkok and demanded that they stop airing news from government sources.

Following the coup, the NCPO used summonses, arbitrary arrests and detentions, enforced disappearances, and harassment as means of silencing dissent. As of November 30, the organization iLaw had documented 626 cases of people apprehended under martial law, leading to 340 arrests; those affected included journalists as well as prodemocracy politicians, academics, and activists, some held incommunicado and without access to lawyers. In areas outside the capital, many were quietly "invited" for

discussion without public announcements. Public summonses later stopped due to criticism by human rights groups, making it more difficult to track cases. As a condition for their release, detainees had to sign agreements that they would not engage in politics or travel without permission. In many cases, authorities collected detainees' personal information, including passwords for social-media accounts, details about people they knew, their sources of funding, political activities, and opinions. A number of detainees were reportedly tortured in custody.

Economic Environment

Large conglomerates and prominent families, some with political ties, own the majority of print outlets, while state entities—including the armed forces and police—have traditionally controlled the country's free-to-air television stations and the roughly 700 officially registered radio stations. The state's long-standing domination of broadcast media has been undermined in recent years by the availability of cable, satellite, and internet-based television, and the growth of community radio. Internet penetration reached nearly 35 percent in 2014, and social-media platforms like Facebook and Line are extremely popular. Mobile-telephone penetration exceeds 100 percent, meaning many Thais have more than one phone. Although the internet and social-networking sites contain a greater diversity of content and debate than traditional media, online censorship and self-censorship has increased since the coup.

The NBTC held an auction for 24 commercial digital terrestrial television licenses in December 2013, which reshaped the media landscape and ended an oligopoly enjoyed by the country's six analog channels. However, the digital transition process still favored major players with the resources and market share to run a successful broadcast station in a newly competitive sector. In addition, many viewers still lacked access to digital receivers, and the licensing process remained a matter of concern. The commercial license auction was set to be followed by allocation of 12 public and 12 community digital television licenses, but the plan stalled during 2014.

In 2012, the NBTC approved a draft regulation that would allow the issuing of one-year "trial" licenses to more than 7,000 community radio stations in anticipation of a more permanent licensing scheme. After the 2014 coup, those stations that met NCPO criteria were issued temporary licenses in September, but they had to sign a memorandum of understanding—agreeing to comply with NCPO and NBTC rules—while awaiting a more thorough examination, whose timeframe had yet to be determined.